

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

Kevin Richardson,

Case No. 2:24-cv-01380-CDS-DJA

Plaintiff,

Order

V.

State of Nevada,

Defendant.

This matter is before the Court on Plaintiff's submission of a \$5 payment to the Court and requesting a copy of the form petition for writ of habeas corpus under 28 U.S.C. § 2254. (ECF Nos. 16, 17). It appears that Plaintiff is attempting to pursue this case as one for habeas corpus relief. However, Plaintiff initiated this case not with a petition for writ of habeas corpus, but with what appeared to be a civil complaint. (ECF No. 1). So, the Court ordered Plaintiff to either file an application to proceed without paying the \$405 filing fee for a civil case or to pay that filing fee. Plaintiff did not timely do either, so the Court recommended dismissal of this action. (ECF No. 14).

Shortly after the Court entered that recommendation, Plaintiff submitted a \$5 payment to the Court. The purpose of the payment listed on that receipt is “writ of habeas corpus.” (ECF No. 16). It appears that Plaintiff is attempting to bring a habeas corpus action. However, if Plaintiff wishes to bring a habeas corpus action, he may not file his petition in this existing civil case. He must file a new habeas corpus case.

IT IS THEREFORE ORDERED that the Clerk of Court is kindly directed to **return** Plaintiff's \$5 payment.

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1 **IT IS FURTHER ORDERED** that, if Plaintiff wishes to pursue a habeas corpus petition,
2 he must file a new case to do so. He may not file his petition or his habeas corpus filing fee into
3 this, existing case.

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5 DATED: November 6, 2024

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DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE